

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE

UNITED STATES OF AMERICA )

Criminal No. 05-30034-MAP

2005 AUG -2 P 5:33

v. )

JOSE RODRIGUEZ, )  
Defendant. )

U.S. DISTRICT COURT  
DISTRICT OF MASS.

MEMORANDUM PURSUANT TO LOCAL RULE 116.5

The United States of America, by and through its undersigned attorneys hereby files this memorandum. The government faxed a draft to C. Jeffrey Kinder, Esq., counsel for defendant Rodriguez, on August 2, 2005.

1. The defendant sent a discovery letter to the government dated July 25, 2005. The government sent a responsive letter to the defendant on July 28, 2005 in which it provided some of the requested information and declined to provide other information. The defendant has not yet filed any discovery motions. Therefore, at this time, are no outstanding discovery issues not yet presented or resolved by the Court.

2. The defendant has not requested discovery of expert witnesses under Fed. R. Crim. Pro. 16(a)(1)(E).

3. The government has copies of the CD's/DVD's to give to defense counsel. Beyond that, the parties do not anticipate providing additional discovery as the result of future receipt of information.

4. The defendant does not intend to raise a defense of insanity or public authority.

5. The government has requested notice of alibi by the defendant and there has been no response by the defendant.

6. The defendant has not filed and does not intend to file, any motion to sever, dismiss, or suppress, or any other motion requiring a ruling by the District Court before trial pursuant to Fed. R. Crim. Pro. 12(c).

7. It is not necessary to schedule any matter in the case other than a Pretrial Conference.

8. The parties are not currently engaging in plea negotiations.

9. The parties agree that there are periods of excludable delay. The parties agree that the time frame from arraignment, June 15, 2005 through June 28, 2005 is excludable under Local Rule 112.2(A)(1). On July 25, 2005 the defendant filed a discovery letter. Pursuant to L.R. 112.2(A)(3), the time between July 25, 2005 and August 7, 2005 is excluded. There were no other motions or discovery letters filed.

Therefore, as of the day of the Status Conference on August 4, 2005, 26 days have run and 44 days remain on the Speedy Trial clock which will require that, if necessary, a trial commence on or before September 17, 2005.

10. In the event that a trial is necessary the trial will

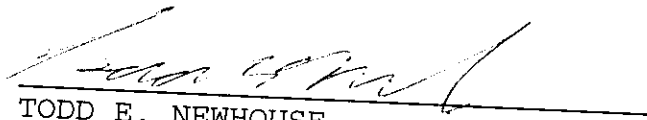
last approximately 5 days.

11. A date convenient with the Court should be established for the Pretrial Conference.

Filed this 2nd day of August, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney



TODD E. NEWHOUSE  
Assistant United States Attorney

On behalf of defendant Rodriguez:

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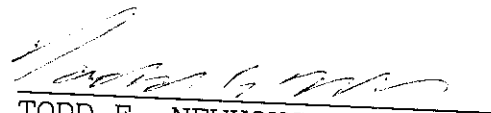
C. JEFFREY KINDER, ESQ.  
Counsel for defendant Rodriguez

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts  
August 2, 2005

I, Todd E. Newhouse, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing, via mail to all counsel of record.



TODD E. NEWHOUSE  
Assistant U.S. Attorney